

**IN THE COURT OF APPEALS**  
**FIRST APPELLATE DISTRICT OF OHIO**  
**HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NO. C-140279
	:	TRIAL NO. 14CRB-3851
Plaintiff-Appellee,	:	
vs.	:	<i>JUDGMENT ENTRY.</i>
DEVITA WILLIAMS,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 2; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

This is a criminal appeal of a conviction for assault following a bench trial. We conclude that Devita Williams's conviction was supported by sufficient evidence and was not against the manifest weight of the evidence, so we affirm the trial court's judgment.

The evidence presented at trial was that 16-year-old D'onte Robinson had an argument with his aunt, Gloria Robinson, about a flash drive that he needed for a school project. Ms. Williams, who lived with Ms. Robinson, overheard the argument between D'onte and Ms. Robinson. After D'onte left Ms. Robinson's house, Ms. Williams followed him in her car. D'onte testified that when Ms. Williams caught up to him, she got out of her car and hit him on his right shoulder with a small baseball bat. For her part, Ms. Williams denied having hit D'onte. She claimed that she had followed D'onte to find out what had happened between him and Ms. Robinson, that he had screamed and cursed at her, and that he had fallen down as he was trying to

run from her. Officer Kevin Broering, who responded to the report of the assault, testified that he had seen a red mark on D'onte's right shoulder. At the conclusion of the testimony, the trial court found Ms. Williams guilty as charged and sentenced her accordingly.

In her assignment of error, Ms. Williams asserts that her conviction was based on insufficient evidence and against the weight of the evidence. As to the sufficiency argument, our review of the record reveals that the state adduced substantial, credible evidence from which the trial court could have reasonably concluded that the state had proved beyond a reasonable doubt the elements of assault. *See State v. Jenks*, 61 Ohio St.3d 259, 574 N.E.2d 492 (1991), paragraph two of the syllabus. And in regard to the manifest-weight argument, our review of the entire record fails to persuade us that the trial court clearly lost its way and created such a manifest miscarriage of justice that we must reverse Ms. Williams's conviction and order a new trial. *See State v. Thompkins*, 78 Ohio St.3d 380, 386-387, 678 N.E.2d 541 (1997). It was for the trial court to assess the witnesses' credibility. The assignment of error is overruled, and we therefore affirm the trial court's judgment.

A certified copy of this judgment entry is the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

**HENDON, P.J., FISCHER and DEWINE, JJ.**

To the clerk:

Enter upon the court's journal on November 21, 2014  
by order of the court \_\_\_\_\_.

Presiding Judge